REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-15, 17-19, 21-23, and 25-34 are presently active in this case, Claims 1, 3, 4, 14, 18, and 22 having been amended and Claims 29-34 having been added by way of the present Amendment. Care has been taken such that no new matter has been entered by the amendments set forth herein. The Applicants respectfully request entry of the amendment as they are believed to place the application into condition for allowance.

In the outstanding Official Action, Claims 1-15, 17-19, 21-23, and 25-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Shoda et al. (U.S. Patent No. 7,096,268). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejection.

In the Office Action, the Shoda et al. reference is indicated as anticipating each of independent Claims 1, 3, 4, 14, 18, and 22. The Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. As will be demonstrated below, the Shoda et al. reference clearly does not meet each and every limitation of the independent claims.

Claim 1 recites an information processing apparatus for recording contents recorded on a first recording medium onto a storage unit of the apparatus, where the apparatus comprises, among other features, a determining unit for determining whether a track on the first recording medium was previously recorded or not onto the storage unit by a recording

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unit based on recording history information stored in the apparatus, a display, and display control unit for controlling display of information on the display regarding a track that was not previously recorded, wherein the display control unit initially indicates the track that was not previously recorded as being selected for recording. Claim 3 recites an information processing method comprising, among other features, a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording. Claim 4 recites a program storing medium recording a computer-readable information processing program comprising, among other features, code for a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording. The Applicants submit that the Shoda et al. reference does not disclose all of the above features of independent Claims 1, 3, and 4.

The Shoda et al. reference describes a method and apparatus for processing copyrighted data. The Shoda et al. reference describes a data processing apparatus (1), which is depicted as a laptop computer, that is connected through a network (4) to a distribution server (5), and a billing server (6). The reference indicates that, in response to a request from the data processing apparatus (1), the distribution server (5) distributes the music data to the data processing apparatus (1). (See, column 5, lines 20-23.) More specifically, the user requests to purchase the music data using the input unit (10), and upon the request the purchase process unit (13) sends information that the user agrees to pay for the music data to

the billing server (6) and then the unit (13) records the purchased process right to a purchase management table (12). (Column 7, lines 29-35.) If the specified content is already stored in storage unit (11), then the updating of the table would provide the user with new additional rights, such as additional number(s) of check-out or playback option(s). If the specified content is not stored in the storage unit (11), then the unit (13) would request the distribution server (5) to distribute the music data containing the specified content. (Column 7, lines 35-38.)

In either of the above scenarios, the user is selecting content for downloading from server (5) or ripping from a CD (see column 6, lines 53-56), and the unit (13) makes the determination about whether or not downloading is necessary. No discussion is provided in the Shoda et al. reference about the display of the apparatus (1) used when the user selects content. Once the content is selected, a package unit is downloaded from the server (5) or the CD in the form depicted in Figure 3a, and then the data is converted using unit (14). (Column 6, lines 8-33, and column 7, lines 38-50.)

The Official Action refers to the discussions in column 8, lines 23-55, for the determination regarding whether a track was previously recorded on the storage unit of the apparatus or not, and column 9, lines 23-50, for the control of display of information regarding whether or not a track was previously recorded. Firstly, the Applicants submit that the discussions in columns 8 and 9 referred to in the Official Action are with regard to content that has already been stored on the apparatus (1) in internal data storage unit (15), or is automatically downloaded based on the instruction (30). The user is not prompted by a display as to whether content was not previously recorded. Instead, the Shoda et al. reference

merely describes downloading content based upon an instruction from a user (no indication is given as to how the content is searched for or selected), and the only items that are described in the Shoda et al. reference as being displayed are items that have already been stored in the apparatus (1). Note, for example, that each item displayed in Figure 7 and discussed in the charts of Figures 8-10 indicates the rights associated with that content (i.e. whether or not playback is available, or whether or not check-out is available). Further note that the Shoda et al. reference teaches the downloading of those rights (namely, billing information 43 that includes use condition, price, and decryption key for each content as stated in column 6, lines 26-28) *at the same time the content itself is downloaded.* (See Figure 3a and corresponding discussion.) The depictions in Figure 7 all include information from copyright management table (16), which is described as storing "copyright management information for each content that is stored in the internal data storage unit 15." (Column 7, lines 51-57.) No display is provided for content that was not previously recorded, in which case there would be no icons 66-71 next to the title.

Thus, the Applicants submit that this portion of the Shoda et al. reference does not disclose a display control unit for controlling display of information on the display regarding a track that was not previously recorded, wherein the display control unit initially indicates the track that was not previously recorded as being selected for recording, as recited in Claim 1. The Applicants also submit that this portion of the Shoda et al. reference does not disclose a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording, as recited in

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Claim 3. The Applicants further submit that this portion of the Shoda et al. reference does not disclose code for a display control step for controlling display of information on a display of the apparatus regarding a track that was not previously recorded to the apparatus, wherein the track that was not previously recorded is initially indicated as being selected for recording, as recited in Claim 4.

Furthermore, the Shoda et al. reference describes a second embodiment that includes displays such as those depicted in Figures 13a, 13b, 14a, and 14b. The Applicants submit that this embodiment also does not anticipate the above features of Claims 1, 3, and 4.

With respect to Figure 13a and 13b, the Applicants note that this display is a display screen (72) of the data processing apparatus (2). The sub-screen (73) indicates contents stored in the data processing apparatus (2) and sub-screen (74) indicates contents in the external storage medium (7). (Column 11, lines 52-54.) However, the *display screen (72) of the apparatus (2)* does not indicates a track that was not previously recorded *on the apparatus* as being selected for recording, in the manners recited in Claims 1, 3, and 4. Note that AAAAA and BBBBB are stored on the apparatus (2), as is evident from the icons indicating various rights (or lack thereof) associated with each content. Further, note that PPPPP and QQQQQ are not stored on the apparatus (2), and yet are not indicated as being selected for recording to the apparatus (2). In fact, Figures 14a and 14b depict a situation in which PPPPP and QQQQQ are prevented from being transferred to the apparatus (2), since the content did not originate from the apparatus, which is clearly contrary to the present invention.

Thus, the Applicants submit that the Shoda et al. reference does not anticipate

independent Claims 1, 3, and 4 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection thereof.

Claim 14 recites an information processing apparatus comprising, among other features, means for displaying a list on the apparatus indicating selected portion(s) and non-selected portion(s) of the contents, wherein the selecting means initially, automatically selects portion(s) of the contents of the first recording medium for recording that do not have recorded history information present in the apparatus. Claim 18 recites an information processing method comprising, among other features, displaying a list on a display of the apparatus indicating selected portion(s) and non-selected portion(s) of the contents, wherein the selecting step includes initially, automatically selecting portion(s) of the contents of the first recording medium for recording that do not have recorded history information present in the apparatus. Claim 22 recites a program storing medium recording a computer-readable information processing program comprising, among other features, code for controlling displaying of a list on a display of the apparatus indicating selected portion(s) and non-selected portion(s) of the contents, wherein the code for selecting is configured to initially, automatically select portion(s) of the contents of the first recording medium for recording that do not have recorded history information present in the apparatus.

For reasons similar to those discussed above with respect to Claims 1, 3, and 4, the Applicants submit that independent Claims 14, 18, and 22 are not anticipated by the Shoda et al. reference. For example, the Applicants note that the Shoda et al. reference does not disclose a means, step, or code for selecting initially, automatically portion(s) of the contents of a first recording medium for recording that do not have recorded history information

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present in the apparatus. The displays depicted in Figure 7 does not display such information but rather only content having information in the apparatus, and Figures 13a, 13b, 14a, and 14b do not display initially, automatically selected portion(s) of the content of a first recording medium for recording that do not have recorded history information present in the apparatus but rather content that does not have information in the apparatus cannot be recorded to the apparatus as indicated in box (79).

Thus, the Applicants submit that the Shoda et al. reference does not anticipate independent Claims 14, 18, and 22 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection thereof.

Furthermore, newly added independent Claims 29, 31, and 33 are believed to be in condition for allowance as they recite features that are not disclosed or even suggested by the cited art. For example, independent Claim 29 recites an apparatus comprising, among other features, a display control unit configured to control a display of information on a display to initially indicate as selected tracks the one or more tracks on the recording medium that were determined as not being previously recorded onto the storage unit. Independent Claim 31 recites a method comprising, among other features, controlling a display of information on a display of the apparatus to initially indicate that the one or more tracks on the recording medium that were determined as not being previously recorded onto the storage unit are one or more selected tracks for recording from the recording medium onto the storage unit. And, independent Claim 33 recites a program storing medium recording a computer-readable information processing program comprising, among other features, code for a step for controlling a display of information on a display of the apparatus to initially indicate that the
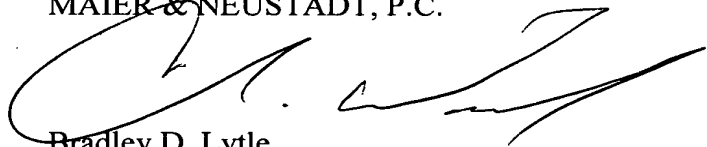
one or more tracks on the recording medium that were determined as not being previously

recorded onto the storage unit are one or more selected tracks for recording from the

recording medium onto the storage unit. Thus, these claims are believed to be in condition

for allowance.

The dependent claims are considered allowable for the reasons advanced for the

respective independent claim from which they depend. These claims are further considered

allowable as they recite other features of the invention that are neither disclosed nor

suggested by the applied references when those features are considered within the context of

their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the

present application is in condition for formal allowance and an early and favorable

reconsideration of this application is therefore requested.

Respectfully Submitted,

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